

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed January 23, 2003. Applicants respectfully request reconsideration and favorable action in this case.

Applicants note with appreciation the indication by the Examiner that claim 75 contains allowable subject matter, and would be allowable if rewritten in independent form. Applicants have rewritten Claim 75 in independent form as suggested by the Examiner. Accordingly, Applicants respectfully request allowance of Claim 75.

Section 102 Rejections

The Examiner rejects Claims 63, 74, 76 and 83 under 35 U.S.C. § 102(b) as being anticipated by European Patent No. 0 511 463 A2 issued to Greer, et al ("*Greer*").

As indicated previously, Applicants submit Claims 63-85 in conjunction with Applicants' request for an interference with U.S. Patent No. 6,332,128 B1 ("128 Patent"). More specifically, Applicants have copied Claims 1, 3, 6, 9-11, 13-15, 18, and 22 from the '128 Patent (Claims 64, 65, 68, 71-73, 75-77, 79 and 81, respectively).

Applicants' respectfully submit that Claim 74 is substantially identical to Claim 12 of the '128 Patent. The only difference between Claim 12 of the '128 Patent and Claim 74 of the instant application is applicants' use of the terms "transaction identification" in lieu of "transaction identifier" and "discounts issued database" in lieu of "discounts granted database." Since Claim 12 of the '128 Patent was allowed and issued as a U.S. Patent on December 18, 2001, Applicants are unsure as to why Claim 74 of the present application is not considered allowable.

Similarly, Applicants respectfully submit that Claim 76 of the present application is substantially identical to Claim 14 of the '128 Application. The only difference between Claim 76 of the present application and Claim 14 of the '128 Application is the use of the terms "identifier" in lieu of "identification" and "granted" in lieu of "issued", as described above with respect to Claim 74 (Claim 76 depends from Claim 74).

Claim 83 was also rejected by the Examiner. However, Claim 83 of the present application is substantially identical to Claim 24 of the '128 Patent. The only difference between Claim 83 and Claim 24 of the '128 Patent is the term "sub-system" (Claim 83) in lieu of the term "database controller" (Claim 24 of the '128 Patent). The "sub-system" of Claim 83 and the "database controller" of Claim 24 of the '128 Patent are identical in that each "retrieves the first discount from the discounts issued database." Applicants' respectfully contend that labeling of such a component as a "database controller" (instead of a sub-system) does not provide a patentable distinction between Claim 83 of the present application, and Claim 24 of the '128 Patent, with respect to *Greer*.

For at least these reasons, Applicant respectfully requests that the Examiner reconsider the allowability of Claims 74, 76 and 83 of the present application, in light of the fact that these claims are substantially identical to claims of an issued U.S. Patent, as well as the grounds previously argued in prior responses of Applicant regarding the patentability of Claims 74, 76 and 83.

Applicants respectfully request that the Examiner reconsider the rejection of Claim 63. The Examiner alleges that the *Greer* reference discloses "determining a first discount on a PPU of a consumable good", "determining a second discount on a PPU of a consumable good", and "determining a total discount on a PPU of a consumable good by adding the first discount to the second discount." Applicant respectfully disagrees with this characterization of *Greer*. *Greer* does not disclose the granting of any discount on a price per unit of a consumable good. For at least these reasons, Applicants respectfully contend that Claim 63 is patentably distinguishable from *Greer*.

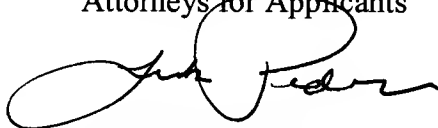
Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

No additional fee is believed to be due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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